

KLEE, TUCHIN, BOGDANOFF & STERN LLP
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: 310-407-4000

Kenneth N. Klee (State Bar No. 63372)
David M. Stern (State Bar No. 67697)
Samuel M. Kidder (State Bar No. 284015)
KLEE, TUCHIN, BOGDANOFF & STERN LLP
1999 Avenue of the Stars, Thirty-Ninth Floor
Los Angeles, California 90067
Telephone: 310-407-4000
Facsimile: 310-407-9090
Email: kkleee@ktbslaw.com
dstern@ktbslaw.com
skidder@ktbslaw.com

-and-

Howard Seife (*pro hac vice* pending)
Christy Rivera (*pro hac vice* pending)
Andrew Rosenblatt (*pro hac vice* pending)
NORTON ROSE FULBRIGHT US LLP
1301 Avenue of the Americas
New York, New York 10019
Telephone: 212-408-5100
Facsimile: 212-541-5369
Email: howard.seife@nortonrosefulbright.com
christy.rivera@nortonrosefulbright.com
andrew.rosenblatt@nortonrosefulbright.com

Attorneys for NextEra Energy, Inc., et al.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION**

In re:
PG&E CORPORATION; PACIFIC GAS
AND ELECTRIC COMPANY,
Debtors.

USDC ND CA Case No. 19-cv-00599-HSG
Adversary Proceeding No. 19-03003-DM
Chapter 11 Case Nos. 19-30088-DM &
19-30089-DM

Chapter 11

PG&E CORPORATION; PACIFIC GAS
AND ELECTRIC COMPANY,
Plaintiffs,
vs.
FEDERAL ENERGY REGULATORY
COMMISSION,
Defendant.

**NOTICE OF NEXTERA ENERGY'S MOTION
TO WITHDRAW REFERENCE OF
ADVERSARY PROCEEDING**

Hearing Date: May 2, 2019 (unless otherwise
ordered)
Time: 2:00 p.m. (PST)
Judge & Crtrm.: Hon. Haywood S. Gilliam, Jr.
Courtroom 2
1301 Clay Street, 4th Floor
Oakland, CA 94612

TO THE HONORABLE HAYWOOD S. GILLIAM, JR., UNITED STATES DISTRICT JUDGE, TO PLAINTIFFS PG&E CORPORATION AND PACIFIC GAS AND ELECTRIC COMPANY, AND TO DEFENDANT FEDERAL ENERGY REGULATORY COMMISSION:

PLEASE TAKE NOTICE that NextEra Energy, Inc. and NextEra Energy Partners, L.P. (together, “NextEra”), have filed a motion (Docket No. 1) (the “Motion”), pursuant to 28 U.S.C. § 157(d), Rule 5011 of the Federal Rules of Bankruptcy Procedure, and Rule 5011-2 of the Bankruptcy Local Rules for the Northern District of California (the “Bankruptcy Local Rules”) to withdraw the reference of the above-captioned adversary proceeding. NextEra files this Notice of Motion pursuant to the *Clerk’s Notice* (Docket No. 2) and Rule 7-2(a) of this Court’s Civil Local Rules (the “Civil Local Rules”).

PLEASE TAKE FURTHER NOTICE that the Motion is based on the Memorandum of Points and Authorities attached to the Motion, the declaration of Michael Sheehan filed concurrently therewith, the complete files and records of the referenced matters, the arguments of counsel and such other and further matters as the Court may consider at or before any hearing on the Motion.

PLEASE TAKE FURTHER NOTICE that unless otherwise ordered by the Court, the Motion will be heard on **May 2, 2019 at 2:00 p.m. (PST)** before the Honorable Haywood S. Gilliam, Jr. at the United States District Court for the Northern District of California, Oakland Division, located at 1301 Clay Street, 4th Floor, Courtroom 2, Oakland, CA 94612.

PLEASE TAKE FURTHER NOTICE that, pursuant to Bankruptcy Local Rule 5011-2(d),¹ any party in interest objecting to the relief requested in the Motion shall file a written objection with this Court no later than **February 19, 2019** (the “Objection Deadline”), which

¹ Bankruptcy Local Rule 5011-2(d) provides: “Unless the assigned District Judge orders otherwise: within 14 days after receiving notice of the assignment to a District Judge under subsection (c) of this rule, any party objecting to withdrawal of the reference shall file in the District Court its opposition brief of not more than ten pages; 14 days thereafter, any party supporting withdrawal of the reference may file a reply brief of not more than ten pages; no hearing will be held unless the assigned District Judge orders otherwise.” This Motion was assigned to District Judge Rogers on February 4, 2019 and, following her recusal, re-assigned to District Judge Gilliam on February 5, 2019. Accordingly, pursuant to Bankruptcy Local Rule 5011-2(d), objections are due on February 19, 2019.

objection shall be served so that the same is received on or before the Objection Deadline by counsel to NextEra, Klee, Tuchin, Bogdanoff & Stern LLP, Attn: Kenneth N. Klee (kklee@ktbslaw.com), David M. Stern (dstern@ktbslaw.com), and Samuel M. Kidder (skidder@ktbslaw.com), 1999 Avenue of the Stars, 39th Floor, Los Angeles, CA 90067.

PLEASE TAKE FURTHER NOTICE that failure to properly file and serve an opposition may be deemed consent to the relief requested in the Motion or a waiver of any right to oppose the Motion.

DATED: February 5, 2019

/s/ Samuel M. Kidder

Kenneth N. Klee

David M. Stern

Samuel M. Kidder

KLEE, TUCHIN, BOGDANOFF & STERN LLP

-and-

Howard Seife (*pro hac vice* pending)

Christy Rivera (*pro hac vice* pending)

Andrew Rosenblatt (*pro hac vice* pending)

NORTON ROSE FULBRIGHT US LLP

Attorneys for NextEra Energy, Inc. et al.

KLEE, TUCHIN, BOGDANOFF & STERN LLP
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: 310-407-4000

1 STATE OF CALIFORNIA)
)
 2 CITY OF LOS ANGELES)

3 I, Shanda D. Pearson, am employed in the city and county of Los Angeles, State of
 4 California. I am over the age of 18 and not a party to the within action; my business address is
 1999 Avenue of the Stars, 39th Floor, Los Angeles, California 90067.

5 On February 5, 2019, I caused to be served the following document in the manner stated
 6 below:

7 • **NOTICE OF NEXTERA ENERGY'S MOTION TO WITHDRAW REFERENCE
 8 OF ADVERSARY PROCEEDING [Docket No. 1]**

9 <input checked="" type="checkbox"/>	TO BE SERVED BY THE COURT VIA NOTICE OF ELECTRONIC FILING (NEF): Pursuant to controlling General Orders and LBR, the foregoing document was served by the court via NEF and hyperlink to the document. On February 5, 2019 , I checked the CM/ECF docket for this bankruptcy case or adversary proceeding and determined that the following persons are on the Electronic Mail Notice List to receive NEF transmission at the email addresses stated below.
10 <input type="checkbox"/>	(BY MAIL) I am readily familiar with the firm's practice of collection and processing correspondence for mailing. Under that practice it would be deposited with the U.S. Postal Service on that same day with postage thereon fully prepaid at Los Angeles, California, in the ordinary course of business. I am aware that on motion of the party served, service is presumed invalid if postal cancellation date or postage meter date is more than one day after date of deposit for mailing in affidavit.
11 <input checked="" type="checkbox"/>	(BY OVERNIGHT DELIVERY) By sending by FedEx and/or USPS Express Mail to the addressee(s) as indicated on the attached list.
12 <input type="checkbox"/>	(BY EMAIL) I caused to be served the above-described document by email to the parties indicated on the attached service list at the indicated email address.
13 <input type="checkbox"/>	(PERSONAL DELIVERY) I arranged for service on the following persons and/or entities by personal delivery.

14 I declare under penalty of perjury, under the laws of the State of California and the United
 15 States of America that the foregoing is true and correct.

16 Executed on February 5, 2019 at Los Angeles, California.

17 /s/ Shanda D. Pearson

18 Shanda D. Pearson

1 **NEF/ECF LIST:**

- 2 • Peter J. Benvenutti pbenvenutti@kellerbenvenutti.com
3 • Samuel Morgan Kidder skidder@ktbslaw.com
4 • Kenneth Nathan Klee kkle@ktbslaw.com
5 • Danielle Ann Pham danielle.pham@usdoj.gov
6 • David Marc Stern dstern@ktbslaw.com

7 **SERVED VIA OVERNIGHT DELIVERY:**

8 Hon. Haywood S. Gilliam, Jr.
9 United States District Court, Oakland Division
10 1301 Clay Street, Suite 400 S
11 Oakland, CA 94612

KLEE, TUCHIN, BOGDANOFF & STERN LLP
1999 AVENUE OF THE STARS, THIRTY-NINTH FLOOR
LOS ANGELES, CALIFORNIA 90067
TELEPHONE: 310-407-4000